

Court of Appeals, State of Michigan

ORDER

Richard S. Greene Jr. v Kerry Ann Stack

Docket No. 289760

LC No. 07-730436-NI

Christopher M. Murray
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

Murray, P.J. (*dissenting*). I would either grant the application for leave to appeal or, pursuant to MCR 7.205(D)(2), peremptorily reverse the trial court's order denying in part defendant's motion for summary disposition. Plaintiff's knee injury and subsequent complications do not, as a matter of law, affect his general ability to lead his normal life. Plaintiff only temporarily missed work, and otherwise was only precluded from engaging in extra-curricular sports or hobbies. MCL 500.3135(7); *Kreiner v Fischer*, 471 Mich 109; 683 NW2d 611 (2004).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 06 2009

Date

Sandra Schultz Mengel
Chief Clerk